Kennedy, Abourezk Want 'Full Report'

Justice Dept. Begins Formal Inquiry Into FBI Informant's Role in Crime

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The Justice Department has begun a formal inquiry to determine whether Gary Thomas Rowe Jr. was involved in violent crime while he was a Ku Klux Klan informer for the FBI and whether bureau agents helped to hide the fact.

The inquiry was ordered yesterday by Benjamin R. Civiletti, the deputy attorney general, after the two Democrats on the Senate committee drafting a legislative charter for the bureau told the department they expected a "full report" on the matter.

The two senators, Edward M. Kennedy of Massachusetts and James Abourezk of South Dakota, said in a letter to the head of the department's civil rights division that, because their committee was looking at the department's procedures for controlling its informers, it was "intensely interested" in receiving a full report.

IN ADDITION, the senators said they wanted a report from the department on the "methodology" of the investigation, including a report on "those interviewed, the leads not followed and all areas inquired into."

Although he did not mention it in the letter, Kennedy suggested earlier yesterday — at a public hearing on the use of informers in criminal investigations — that he felt the department should oversee such an investigation because the public might not have full confidence in any inquiry by the bureau itself.

Rowe, who was the bureau's chief paid informer in the Ku Klux Klan in the early 1960s, was questioned in connection with an Alabama investigation of the racial violence of those years.

In an article Sunday, The New York Times quoted sources close to that investigation as saying that Rowe is suspected of having acted as an agent provocateur and of participating in the violent activity that the FBI was paying him to monitor and report on.

In addition, according to investigative documents, Rowe recently told the Alabama authorities that, in an attempt to protect himself, he shot and killed a black man in Birmingham in 1963 but was told by his case agent to keep quiet about it.

THE AGENT to whom Rowe said he reported the shooting has termed the statement "an absolute falsehood," and FBI officials at the bureau's headquarters here have said there is nothing in their files to indicate that anyone was shot, that Rowe did the shooting or that he ever admitted the shooting to the bureau.

Terrence B. Adamson, a Justice Department spokesman, said yesterday Civiletti had told Philip B. Heymann, the head of the criminal division, to ask the state authorities in Alabama to furnish him with any information they have about Rowe.

In addition, he said, the department's Office of Professional Responsibility was directed to ask the bureau's internal investigators to conduct an inquiry into the matter and report back to the department.

THE CONTROVERSY over Rowe comes at a time when the department and the bureau are urging Congress not to place major restrictions on the use of criminal informers. The legislative code being drafted is expected to govern the bureau's activities in the future.

Kennedy and Abourezk are important to the future of the charter because Kennedy will become chairman of the full Judiciary Committee next year, and Abourezk now heads the subcommittee drafting the legislation.

Yesterday at a hearing held by the subcommittee, Heymann, the new head of the criminal division, said that although the use of informers involved a number of dangers, they were so important to many sorts of criminal investigations that the Justice Department should have a great deal of flexibility in its dealings with them.

This was seconded by James Q. Wilson, a professor of government at Harvard, who said the recruitment of informers was a "subtle, complex, very human and hard-to-define process," one that did not lend itself to rigid guidelines.

In earlier hearings, the American Civil Liberties Union urged that Congress require law enforcement agencies to obtain court authorization before placing an informer in a group, just as it obtains court warrants for searches or wiretaps.

Yesterday, however, Heymann argued that decisions on when and where to place informers should be left with government investigators, not judges.

Later in the hearing, Edwin J. Sharp, a bureau official, said the FBI now had four "media" informers, but that all were "low-level" employees reporting on criminal or domestic security matters and were not involved in matters concerning "editorial policy."

He added that one was a television reporter and one worked in the classified ad section of a newspaper, but that he could not recall where the others were employed.